

SHERRIE R. STRANGE

IBLA 73-366

Decided April 30, 1974

Appeal from a decision by the Eastern States Land Office, Bureau of Land Management, rejecting oil and gas lease offer ES 9081.

Set aside and remanded.

Mineral Leasing Act For Acquired Lands: Consent of Agency--Oil

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Where an oil and gas lease offer for acquired land is rejected by the Bureau of Land Management because the agency having surface jurisdiction withholds consent to lease, but that agency subsequently consents to issuance of the lease with protective stipulations, the case

will be remanded by the Board of Land Appeals to the Bureau for further consideration.

APPEARANCES: Sherrie R. Strange, pro se.

OPINION BY ADMINISTRATIVE JUDGE THOMPSON

On April 4, 1973, a decision by the Division of Lands and Minerals, Eastern States Office, Bureau of Land Management, rejected Sherrie Strange's lease offer ES 9081. The offer was to lease certain acquired lands in the Natchez Trace Parkway, which is under the jurisdiction of the National Park Service of this Department.

The decision of the Bureau of Land Management was based upon a memorandum to it from the National Park Service dated March 13, 1973, indicating that a lease would interfere with use of the land for park purposes. In her appeal to this Board, the offeror expressed willingness to accept a lease with a stipulation that no "on-site drilling" be permitted within the tract--only directional drilling under the tract.

On September 4, 1973, we wrote to the National Park Service and inquired whether the incorporation of a stipulation in the lease prohibiting "on-site drilling" would allay its objection to the issuance of the lease. In a letter dated April 1, 1974, the Associate Director, National Park Service, stated the offer to lease had been reviewed and there was now no objection to granting the lease "subject to the usual stipulations and restrictions and the NEPA provisions of BLM included in such leases." Copies of the "Oil and Gas Lease Stipulations" and "Special Conditions" for the Natchez Trace Parkway, to which the Associate Director referred, were enclosed. In view of this, the case is remanded to the Bureau for further consideration, looking to issuance of the lease if the requested stipulations are accepted by appellant and included in the lease, assuming all other requirements and conditions are met.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is set aside and the case is remanded for further appropriate action.

Joan B. Thompson
Administrative Judge

We concur:

Joseph W. Goss
Administrative Judge

Frederick Fishman
Administrative Judge

